



CLOSED CASE SUMMARY

ISSUED DATE: NOVEMBER 19, 2023

FROM: DIRECTOR GINO BETTS 
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2023OPA-0226

Allegations of Misconduct & Director's Findings

Named Employee #1

Allegation(s):		Director's Findings
# 1	15.180 – Primary Investigations, 15.180-POL-1. Officers Shall Conduct a Thorough and Complete Search for Evidence	Not Sustained - Lawful and Proper (Expedited)
# 2	5.140 – Bias-Free Policing, 5.140-POL-2. Officers Will Not Engage in Bias-Based Policing	Not Sustained - Unfounded (Expedited)

This Closed Case Summary (CCS) represents the opinion of the OPA Director regarding the misconduct alleged and therefore sections are written in the first person.

EXECUTIVE SUMMARY:

Named Employee #1 (NE#1) responded to a call where the Complainant reported his neighbor hacked into his electronic devices. The Complainant alleged NE#1 failed to thoroughly collect evidence. The Complainant further alleged NE#1 was dismissive and biased against him.

ADMINISTRATIVE NOTE:

This case was approved for Expedited Investigation. That means OPA, with the Office of Inspector General's (OIG) agreement, believed it could issue recommended findings based solely on its intake investigation without interviewing the named employee. As such, OPA did not interview the named employee involved in this case.

On July 5, 2023, OIG certified OPA's investigation as thorough, timely, and objective.

SUMMARY OF INVESTIGATION:

On May 25, 2023, the Complainant filed a web-based complaint. The Complainant wrote that NE#1's incident report and NE#1's description of him was "incredibly biased" because NE#1 attempted to "mock or dismiss [his] personality and discredit [his] intelligence, technical knowledge, and communication skills." The Complainant wrote that NE#1's incident report was an insult to the many months that officers spent on his case. The Complainant also wrote that he tried to "work through [NE#1's] suspicion" despite "being treated with suspicion at the onset."

OPA opened an intake investigation. During its investigation, OPA reviewed the OPA complaint, body-worn video (BWV), and incident report.

NE#1's BWV captured the following events on February 10, 2023. NE#1 and Witness Officer #1 (WO#1) approached the Complainant, who stood outside an apartment building. The Complainant said he was being targeted, antagonized,



and harassed. The Complainant said his computer and cellphone was hacked and wanted to play a video for the officers. The Complainant also said he was hacked at Seattle City Hall, and NE#1 asked how. The Complainant asked if NE#1 was ever hacked before and if NE#1 “ever had to deal with all this.” The Complainant said he was under a lot of stress and was going to show his video, but NE#1 “changed course” on him. NE#1 asked about the context of the video, then asked the Complainant to play it, but the Complainant said NE#1 was “making it more difficult for [him].” NE#1 said, “Yeah... hey, we get paid by the hour. Whatever you need, it just helps me write a more detailed report.” The Complainant said, “Sir, it’s not about getting paid. I’m fighting for my life.” NE#1 said, “I know. What I meant to say was I have all day.” The Complainant said, “Yeah. Because it’s just not about money. This is about trying to make sure I can get home and be safe and not having people chase me down.”

The Complainant played his video. The video showed the Complainant speaking about confronting his neighbor. The video then showed the Complainant confronting his neighbor on a sidewalk. The Complainant said he spent hours every day “unpacking the hackers.” NE#1 requested the Complainant to send the video to him. NE#1 said the neighbor, in the video, looked like he was “probably on his way to work or something like that.” The Complainant asked, “Are you saying that for yourself or are you saying that for him?” The Complainant also asked, “Why would you make the comment, sir, that, that the person is on the way to work?” NE#1 said he assumed the neighbor went to work. The Complainant said he should probably speak to WO#1 instead because he was “really not feeling good about this, this, this interaction.” NE#1 said he would document the Complainant’s statements in a report and suggested the Complainant seek an anti-harassment protection order against his neighbor.

NE#1 wrote an incident report documenting the computer-aided dispatch call remarks, his interaction with the Complainant, the Complainant’s statements, and what he observed in the Complainant’s video. NE#1’s incident report was consistent with the events captured on BWV.

OPA contacted the Complainant to arrange an interview with him. The Complainant said he had “other legal issues” pending, preventing him from being interviewed by OPA. The Complainant said he would contact OPA at another time to provide additional information, then he terminated the call.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 – Allegation #1

15.180 – Primary Investigations, 15.180-POL-1. Officers Shall Conduct a Thorough and Complete Search for Evidence

The Complainant alleged NE#1 did not conduct a thorough and complete search for evidence.

SPD Policy 15.180-POL-1 requires that, in primary investigations, officers conduct a thorough and complete search for evidence. The policy further requires officers to collect evidence and states that only evidence that is impractical to collect shall be retained by the owner. SPD Policy 15.180-POL-1. Such evidence should be photographed. *Id.*

Here, NE#1 documented the Complainant’s statements in his incident report and requested the Complainant to send the video to him. NE#1 also suggested that the Complainant seek an anti-harassment protection order against his neighbor. While the Complainant may have sought police action against his neighbor, NE#1 wrote in his incident report, “[The Complainant] was unable to provide me with any details on how he believed that [his neighbor] was the one behind the hacking.” NE#1 also wrote that the Complainant’s video showed the neighbor “ignoring” the Complainant. Throughout their interaction, NE#1 repeatedly told the Complainant that he would document the



Complainant's statements in an incident report. The Complainant appeared to express satisfaction with NE#1's anticipated action. Based on the limited information provided by the Complainant to NE#1, NE#1 conducted a thorough and complete search for evidence to the extent feasible.

Accordingly, OPA recommends this allegation be Not Sustained – Lawful and Proper (Expedited).

Recommended Finding: **Not Sustained - Lawful and Proper (Expedited)**

Named Employee #1 – Allegation #2

5.140 – Bias-Free Policing, 5.140-POL-2. Officers Will Not Engage in Bias-Based Policing

The Complainant alleged NE#1 engaged in bias-based policing.

SPD policy prohibits biased policing, which it defines as “the different treatment of any person by officers motivated by any characteristic of protected classes under state, federal, and local laws as well other discernible personal characteristics of an individual.” SPD Policy 5.140-POL. Officers are forbidden from both (1) making decisions or taking actions influenced by bias, and (2) expressing any prejudice or derogatory comments concerning personal characteristics. See SPD Policy 5.140-POL-2.

Here, the Complainant alleged NE#1's description of him was “incredibly biased” because NE#1 attempted to “mock or dismiss [his] personality and discredit [his] intelligence, technical knowledge, and communication skills.” However, OPA's review of NE#1's BWV and NE#1's incident report uncovered no evidence of bias. NE#1's BWV captured NE#1's interaction with the Complainant, which, at times, became contentious. The Complainant appeared to take issue with NE#1 asking how the Complainant was hacked at Seattle City Hall, NE#1 asking about the context of the video, NE#1 saying he gets paid by the hour, and NE#1 saying that he assumed the neighbor, in the video, was on his way to work. These statements did not suggest any bias but, instead, appeared to be aimed at gathering information or expressing observations. NE#1 told the Complainant that he would document the Complainant's statements in a report. NE#1's incident report was objective and consistent with the events captured on BWV. NE#1 documented what he did prior to arriving, what he observed after he arrived, the Complainant's hacking claims, what he observed in the video, and his advice to the Complainant regarding an anti-harassment protection order. There was no indication in NE#1's incident report that it was “incredibly biased” or attempted to “mock or dismiss” the Complainant.

Accordingly, OPA recommends this allegation be Not Sustained – Unfounded (Expedited).

Recommended Finding: **Not Sustained - Unfounded (Expedited)**